

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA :

PLAINTIFF

CASE NO : 3:17-CR-071

VS.

LAITH WALEED ALEBBINI

JUDGE : WALTER H. RICE

DEFENDANT

MOTION FOR A NEW TRIAL

DEFENDANT LAITH W. ALEBBINI, HEIRINAFTER  
"DEFENDANT" BY HIMSELF RESPECTFULLY REQUESTS THE COURT  
TO GRANT THE DEFENDANT A NEW TRIAL PERSUANT  
TO OHIO.R.CRM.P. 33 (A) (3).

INTRODUCTION : ON THE DATE OF 12-06-2018 THE  
COURT HAVE TURNED A GUILTY VERDICT ON BOTH COUNTS  
OF THE SUPERSEDED INDICTMENT WHICH IS :

- 1.) ATTEMPT TO PROVIDE MATERIAL SUPPORT TO "FTO".
- 2.) CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO "FTO".

THE COURT HAD TAKEN IN ACCOUNT THE PROSECUTION  
ARGUMENT THAT A PLEDGE OF ALLEGIANCE TO ISIS  
PROVES A MUTUAL UNDERSTANDING BETWEEN THE  
CONSPIRATORS, AND THE TESTIMONY OF CASE AGENT  
THAT ALEBBINI AND RAID PLEAGED TO ISIS.

THE GOVERNMENT AND ITS AGENT HAVE BASED THIS ALLEGATION ON A RECORDED PHONE CONVERSATION ON 04-03-17.

DEFENDANT STATED "ME AND RAID PLEDGE TO PROTECT THE SYRIAN PEOPLE ..." "WHEN WE PLEDGED".

#### ARGUMENT:

YOUR HONOR A PLEDGE OR A PACT TO PROTECT CAN NEVER QUALIFY TO A PLEDGE OF OBEDIANCE AND FELLOWSHIP (PLEDGE OF ALLEGIANCE).

A PLEDGE BETWEEN THE DEFENDANT AND RAID ABABNEH TO PROTECT THE SYRIAN PEOPLE CAN NOT BE INTERPRETED NOR COULD IT BE POSSIBLE FOR IT TO BE A PLEDGE OF ALLEGIANCE TO JOIN OR BE UNDER THE DIRECTION OF ISIS. A PLEDGE OF ALLEGIANCE IN THE ISLAMIC LAW REQUIRES THE PRESENCE OF A REPRESENTATIVE OF THE ENTITY BEING PLEDGED TO, IN ADDITION A PLEDGE OF ALLEGIANCE HAS SPECIAL REQUIREMENTS. THIS FACT CAN BE PROVEN BY AN EXPERT IN ISLAMIC LAW.

THE AGENT TESTAMONY AND GOVERNMENT ARGUMENT HAVE SURPRISED THE DEFENSE, AND THE DEFENSE HAD NO CHANCE TO CALL UPON A EXPERT TO TESTIFY IN A TIMLY MANNER, AND WHAT SURPRISED THE DEFENDANT MORE, IS THE COURT BELIEVING THE AGENT TESTIMONY AND

THE GOVERNMENT'S ARGUMENT WHICH LEAD TO THE CONVICTION OF THE DEFENDANT OF CONSPIRACY.

CONSPIRACY : "AN AGREEMENT BETWEEN TWO OR MORE PEOPLE TO COMMIT AN [ILLEGAL ACT]. EMPHASIS ADDED.

PROTECTING THE SYRIAN PEOPLE IS NOT AN ILLEGAL ACT.

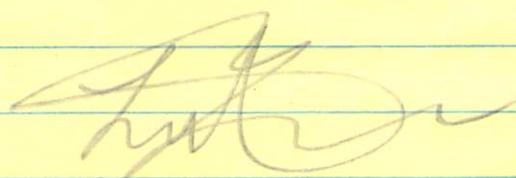
CONCLUSION :

THE DEFENDANT RESPECTFULLY ASKS THE COURT FOR A NEW TRIAL PERSUANT OHIO.R.CRM.P. 33(A)(3) SO THE DEFENDANT CAN BRING IN AN EXPERT IN ISLAMIC LAW TO PROVE THAT THE PLEDGE WAS NOT A PLEDGE OF ALLEGIANCE NOR A PLEDGE TO JOIN ISIS.

THE DEFENSE STRONGLY BELIEVES THAT THIS EXPERT TESTIMONY WILL CHANGE THE VERDICT ON THE CONSPIRACY COUNT, AND IT WILL PROVE THAT THE DEFENDANT DID NOT ATTEMPT TO JOIN ISIS. THE DEFENDANT ATTEMPTED TO PROTECT THE SYRIAN PEOPLE.

HUMBLY, AND RESPECTFULLY SUBMITTED,

LAITH W. ALEBBINI



CERTIFICATE OF SERVICE

TO THE CLERK OF COURTS, I HAVE FILED THIS  
MOTION WITH LIMITED COPIES, PLEASE TIME STAMP,  
AND COPY TO ALL PARTIES.

THANK YOU,

RESPECTFULLY SUBMITTED.

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WALID ALEBBINI  
555 GEARHART ROAD  
DAYTON, OHIO 45365

THE HONORABLE JUDGE WALTER H. RICE

200 WEST SECOND ST.  
DAYTON, OHIO 45402

45402-147434

